

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Yasmin Mohamed p/k/a Yasminah,

Plaintiff,

v.

Abel Makkonen Tesfaye p/k/a The Weeknd;
Guillaume Emmanuel de Homem-Christo and
Thomas Bangalter p/k/a Daft Punk; Martin
McKinney p/k/a Doc; Henry Walter p/k/a Cirkut;
Jason Quenneville p/k/a DaHeala, XO Records,
LLC; Republic Records; Universal Music Group;
William Uschold p/k/a WILL U; Tyrone
Dangerfield p/k/a TABOO!!; Squad Music
Group; and DOES 1-10,

Defendants.
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Case No. 18-cv-8469 (JSR)

**DECLARATION OF WENDY GOLDSTEIN IN
SUPPORT OF MOTION TO DISMISS OR TRANSFER**

I, Wendy Goldstein, declare and state:

1. I am over the age of 18 and have personal knowledge of the following facts and could competently testify to the following facts if called upon to do so.

2. I am Executive Vice President of A&R at UMG Recordings, Inc.'s record label, Republic Records, in Santa Monica, California. I have been a resident of California since 2001.

3. Republic Records is an unincorporated division of UMG Recordings, Inc. Republic Records' Santa Monica offices are in its own section on the third floor of UMG Recordings, Inc.'s Santa Monica offices, and have approximately twenty employees. Attached to this declaration as Exhibit 1 are true and correct copies of photographs of the doors to Republic Records' offices in

Santa Monica and the entry of those offices. Republic Records also has its own dedicated recording studio in Los Angeles, California.

4. I have worked in the music industry for over twenty-five years, starting when I was nineteen years old and worked at Epic Records. I have worked in A&R at numerous record companies such as RCA, East West Records, Geffen Records and Priority Records, before I joined Republic Records in 2008, initially as a consultant. As an A&R executive, I have worked with numerous recording artists, including not only Abel Tesfaye, who is professionally known as The Weeknd, but, for example, Ariana Grande, The Roots, Common, GZA, Enrique Iglesias, DNCE, Florida Georgia Line, Hailee Steinfeld, and Julia Michaels, among others.

5. As an A&R executive, my role includes not only finding and signing new recording artists, but then continuing to work with the recording artists by serving as their liaison with the record company and helping to further their artistic and commercial development. This includes working closely with the recording artists in their ongoing creation of new records and albums. For instance, my role as an A&R executive regularly includes listening to demos, aligning recording artists with the right producers and/or songwriters, overseeing the recording process, offering creative input, and assisting with marketing and promotion of the recording artist.

6. I am the A&R executive who works with Mr. Tesfaye, serving out of Republic Records' Santa Monica offices as his liaison, including in connection with the creation and recording of the *Starboy* album and the recording, *Starboy*, on that album, in 2016.

7. My services on that album and recording include, for example, arranging for recording studio time, engineers, and other personnel in connection with the recording process, as well as general guidance and information. In fulfilling that role, I worked at Republic Records' Santa Monica offices, I worked from my home in California, and I also went to Paris, France.

None of my activities in connection with the *Starboy* album or recording were done in New York. To my knowledge, none of Mr. Tesfaye's activities in connection with the creation and recording of that album or recording were done in New York. While he did perform the *Starboy* composition in New York, that was on only a few occasions and part of a performances across the United States and in other countries.

8. Throughout my career, I have been personally involved in hundreds of recording sessions resulting in hundreds of publicly released recordings. I understand that plaintiff claims that the recording, *Starboy*, was created in Paris, France, and completed when it was mastered at Sterling Sound in New York. I can say from my own many years of experience, as well as from my own personal knowledge of the recording of *Starboy*, that plaintiff is incorrect.

9. Portions of *Starboy* were recorded in Paris, France. I know that because I was there. *Starboy* was then completed at Conway Recording Studios in Hollywood, California. I know that because I arranged for the recording studio time, and also because I was in contact with those involved at the time, including Mr. Tesfaye. The recording in Paris, France and in Hollywood, California, resulted in many computer electronic files and groups of files, "stems," each with portions of sounds that collectively eventually make up *Starboy*. Mr. Tesfaye prepared a mix of those many files, and the mix also was worked on by a mixing engineer in Virginia. I know that because I selected that mixing engineer and also because I listened to at least some of the mixes prepared. None of the recording or mixing of *Starboy* was done in New York.

10. Once a final mix was prepared and approved in California, Mr. Tesfaye provided it to Republic Records' Santa Monica, California, personnel, and I arranged for it to be mastered for CD replication at Sterling Sound in New York, and mastered for vinyl manufacture at Capitol Studios & Mastering in Los Angeles, California. However, mastering does not change, and

Sterling Sound's mastering in this instance, did not change, the final mix of *Starboy* created in California or any of *Starboy*'s music or lyrics.

11. First, the many computer files or "stems" that make up the *Starboy* final mix were not provided to Sterling Sound. Instead, only a stereo two-track was provided to Sterling Sound. Second, the mastering only involved equalizing the sound levels of the recording.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 13, 2018.



WENDY GOLDSTEIN